

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1417

Chapter 488, Laws of 2007

(partial veto)

60th Legislature
2007 Regular Session

STATE PATROL SURVIVOR BENEFITS

EFFECTIVE DATE: 07/22/07

Passed by the House April 16, 2007
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 12, 2007
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved May 15, 2007, 2:23 p.m., with
the exception of section 3 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk
of the House of Representatives of
the State of Washington, do hereby
certify that the attached is
certify that the attached is
SUBSTITUTE HOUSE BILL 1417 as
passed by the House of
Representatives and the Senate on
the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 16, 2007

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1417

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Lovick, Roach, Simpson, Hurst, O'Brien, Eddy, Ericks, Eickmeyer, Kelley, VanDeWege, Pedersen, Sells, Hankins, B. Sullivan, Dickerson, Rodne, Springer, Appleton, Rolfes, Hudgins, Pettigrew, Williams, Kessler, Green, Ormsby, P. Sullivan and Santos)

READ FIRST TIME 02/05/07.

1 AN ACT Relating to Washington state patrol survivor benefits;
2 amending RCW 43.43.285 and 41.05.011; amending 2006 c 345 s 2
3 (uncodified); adding a new section to chapter 43.43 RCW; and creating
4 a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 43.43.285 and 1996 c 226 s 2 are each amended to read
7 as follows:

8 (1) A one hundred fifty thousand dollar death benefit shall be paid
9 to the member's estate, or such person or persons, trust or
10 organization as the member shall have nominated by written designation
11 duly executed and filed with the department. If there be no such
12 designated person or persons still living at the time of the member's
13 death, such member's death benefit shall be paid to the member's
14 surviving spouse as if in fact such spouse had been nominated by
15 written designation, or if there be no such surviving spouse, then to
16 such member's legal representatives.

17 (2)(a) The benefit under this section shall be paid only where
18 death occurs as a result of injuries sustained in the course of
19 employment. The determination of eligibility for the benefit shall be

1 made consistent with Title 51 RCW by the department of labor and
2 industries. The department of labor and industries shall notify the
3 department of retirement systems by order under RCW 51.52.050.

4 (b) The retirement allowance paid to the spouse and dependent
5 children of a member who is killed in the course of employment, as set
6 forth in RCW 41.05.011(14), shall include reimbursement for any
7 payments of premium rates to the Washington state health care authority
8 under RCW 41.05.080.

9 **Sec. 2.** RCW 41.05.011 and 2005 c 143 s 1 are each amended to read
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section shall apply throughout this chapter.

13 (1) "Administrator" means the administrator of the authority.

14 (2) "State purchased health care" or "health care" means medical
15 and health care, pharmaceuticals, and medical equipment purchased with
16 state and federal funds by the department of social and health
17 services, the department of health, the basic health plan, the state
18 health care authority, the department of labor and industries, the
19 department of corrections, the department of veterans affairs, and
20 local school districts.

21 (3) "Authority" means the Washington state health care authority.

22 (4) "Insuring entity" means an insurer as defined in chapter 48.01
23 RCW, a health care service contractor as defined in chapter 48.44 RCW,
24 or a health maintenance organization as defined in chapter 48.46 RCW.

25 (5) "Flexible benefit plan" means a benefit plan that allows
26 employees to choose the level of health care coverage provided and the
27 amount of employee contributions from among a range of choices offered
28 by the authority.

29 (6) "Employee" includes all full-time and career seasonal employees
30 of the state, whether or not covered by civil service; elected and
31 appointed officials of the executive branch of government, including
32 full-time members of boards, commissions, or committees; and includes
33 any or all part-time and temporary employees under the terms and
34 conditions established under this chapter by the authority; justices of
35 the supreme court and judges of the court of appeals and the superior
36 courts; and members of the state legislature or of the legislative
37 authority of any county, city, or town who are elected to office after

1 February 20, 1970. "Employee" also includes: (a) Employees of a
2 county, municipality, or other political subdivision of the state if
3 the legislative authority of the county, municipality, or other
4 political subdivision of the state seeks and receives the approval of
5 the authority to provide any of its insurance programs by contract with
6 the authority, as provided in RCW 41.04.205; (b) employees of employee
7 organizations representing state civil service employees, at the option
8 of each such employee organization, and, effective October 1, 1995,
9 employees of employee organizations currently pooled with employees of
10 school districts for the purpose of purchasing insurance benefits, at
11 the option of each such employee organization; and (c) employees of a
12 school district if the authority agrees to provide any of the school
13 districts' insurance programs by contract with the authority as
14 provided in RCW 28A.400.350.

15 (7) "Board" means the public employees' benefits board established
16 under RCW 41.05.055.

17 (8) "Retired or disabled school employee" means:

18 (a) Persons who separated from employment with a school district or
19 educational service district and are receiving a retirement allowance
20 under chapter 41.32 or 41.40 RCW as of September 30, 1993;

21 (b) Persons who separate from employment with a school district or
22 educational service district on or after October 1, 1993, and
23 immediately upon separation receive a retirement allowance under
24 chapter 41.32, 41.35, or 41.40 RCW;

25 (c) Persons who separate from employment with a school district or
26 educational service district due to a total and permanent disability,
27 and are eligible to receive a deferred retirement allowance under
28 chapter 41.32, 41.35, or 41.40 RCW.

29 (9) "Benefits contribution plan" means a premium only contribution
30 plan, a medical flexible spending arrangement, or a cafeteria plan
31 whereby state and public employees may agree to a contribution to
32 benefit costs which will allow the employee to participate in benefits
33 offered pursuant to 26 U.S.C. Sec. 125 or other sections of the
34 internal revenue code.

35 (10) "Salary" means a state employee's monthly salary or wages.

36 (11) "Participant" means an individual who fulfills the eligibility
37 and enrollment requirements under the benefits contribution plan.

1 (12) "Plan year" means the time period established by the
2 authority.

3 (13) "Separated employees" means persons who separate from
4 employment with an employer as defined in:

5 (a) RCW 41.32.010(11) on or after July 1, 1996; or

6 (b) RCW 41.35.010 on or after September 1, 2000; or

7 (c) RCW 41.40.010 on or after March 1, 2002;

8 and who are at least age fifty-five and have at least ten years of
9 service under the teachers' retirement system plan 3 as defined in RCW
10 41.32.010(40), the Washington school employees' retirement system plan
11 3 as defined in RCW 41.35.010, or the public employees' retirement
12 system plan 3 as defined in RCW 41.40.010.

13 (14) "Emergency service personnel killed in the line of duty" means
14 law enforcement officers and fire fighters as defined in RCW 41.26.030,
15 members of the Washington state patrol retirement fund as defined in
16 RCW 43.43.120, and reserve officers and fire fighters as defined in RCW
17 41.24.010 who die as a result of injuries sustained in the course of
18 employment as determined consistent with Title 51 RCW by the department
19 of labor and industries.

20 (15) "Employer" means the state of Washington.

21 (16) "Employing agency" means a division, department, or separate
22 agency of state government and a county, municipality, school district,
23 educational service district, or other political subdivision, covered
24 by this chapter.

25 ****Sec. 3. 2006 c 345 s 2 (uncodified) is amended to read as follows:***

26 ***This act is necessary for the immediate preservation of the public***
27 ***peace, health, or safety, or support of the state government and its***
28 ***existing public institutions, and except for section 2 of this act***
29 ***takes effect immediately [May 7, 2001]. This act applies to all***
30 ***surviving spouses and dependent children of (1) emergency service***
31 ***personnel ((and)), (2) members of the law enforcement officers' and***
32 ***fire fighters' retirement system plan 2, and (3) members of the***
33 ***Washington state patrol retirement fund, killed in the line of duty.***

****Sec. 3 was vetoed. See message at end of chapter.***

34 **NEW SECTION. Sec. 4.** A new section is added to chapter 43.43 RCW
35 to read as follows:

36 The legislature reserves the right to amend or repeal the

1 reimbursement provisions of this act in the future and no member or
2 beneficiary has a contractual right to receive any distribution not
3 granted prior to that time.

4 NEW SECTION. **Sec. 5.** This act shall be known as "The Steve
5 Frink's and Jim Saunder's Law" in honor of Steve Frink and Jim
6 Saunders, Washington state patrol officers who were killed in the line
7 of duty.

Passed by the House April 16, 2007.

Passed by the Senate March 12, 2007.

Approved by the Governor May 15, 2007, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 16, 2007.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 3, Substitute
House Bill 1417 entitled:

"AN ACT Relating to Washington state patrol survivor benefits."

This bill reimburses the cost of health insurance premiums for
survivors of members of the Washington State Patrol Retirement System
who are killed in the line of duty. Section 3 amends an uncodified
emergency clause from legislation passed in 2001, and could lead to
confusion about the effective date of the bill. This section is not
needed to provide the insurance benefits that the bill is designed to
offer.

For these reasons, I have vetoed Section 3 of Substitute House Bill
No. 1417.

With the exception of Section 3, Substitute House Bill No. 1417 is
approved."